

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOHN DOE #1, <i>et al</i> ,)	
)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 03-707 (EGS)
)	
DONALD H. RUMSFELD, <i>et al</i>)	
)	
Defendants.)	
)	

ORDER

Pursuant to Federal Rule of Civil Procedure 58 and for the reasons stated by the Court in its Memorandum Opinion docketed this same day, it is this 27th day of October, 2004, hereby

ORDERED that the Plaintiffs' Motion for Summary Judgment is **GRANTED**. The FDA's Final Rule and Order is vacated and shall be remanded to the agency for reconsideration in accordance with the Court's Opinion and Order. Unless and until FDA classifies AVA as a safe and effective drug for its intended use, an injunction shall remain in effect prohibiting defendants' use of AVA on the basis that the vaccine is either a drug unapproved for its intended use or an investigational new drug within the meaning of 10 U.S.C. § 1107. Accordingly, the involuntary anthrax vaccination program, as applied to all persons, is rendered illegal absent informed consent or a Presidential waiver; and it is further

ORDERED that the Defendants' Motion for Summary Judgment is
DENIED.

Signed: Emmet G. Sullivan
United States District Judge
October 27, 2004